

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

Case No. 7:23-CV-00932-M

WILLIAM D. WOOLENS,

Plaintiff,

v.

CLAY ALLEN COLLIER,

Defendant.

ORDER

This matter comes before the court on the memorandum and recommendation (“M&R”) issued by United States Magistrate Judge Brian S. Meyers on December 10, 2024, pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). DE 7. After conducting a frivolity review in accordance with 28 U.S.C. § 1915, Judge Meyers recommends that this court dismiss Plaintiff’s complaint without prejudice as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i). *Id.* at 9. Judge Meyers instructed the Plaintiff to file any written objections to his recommendation on or before January 2, 2025. *Id.* No objections have been filed,¹ and the matter is now ripe for consideration by this court.

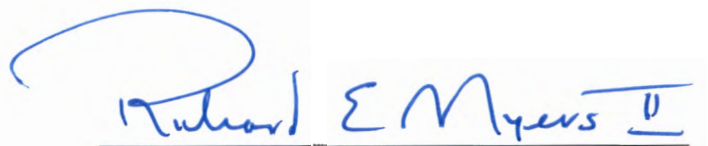
A magistrate judge’s recommendation carries no presumptive weight. The court “may accept, reject, or modify, in whole or in part, the . . . recommendation[] . . . receive further evidence or recommit the matter to the magistrate judge with instructions.” 28 U.S.C. § 636(b)(1); *accord*

¹The case docket reflects that the M&R was mailed to Plaintiff but returned as undeliverable. DE 8. It is the Plaintiff’s obligation to ensure that the court has his current mailing address. See Local Civil Rule 83.3 (“All attorneys and pro se parties must notify the court in writing within 14 days of any change of address.”).

Mathews v. Weber, 423 U.S. 261, 271 (1976). The court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* § 636(b)(1). Absent a specific and timely objection, the court reviews only for “clear error” and need not give any explanation for adopting the recommendation. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the M&R and the record presented, and finding no clear error, the court ADOPTS the recommendation of the magistrate judge as its own. Plaintiff has failed to demonstrate this court’s subject-matter jurisdiction. For the reasons stated therein, Plaintiff’s complaint is DISMISSED WITHOUT PREJUDICE as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i). The Clerk of Court is directed to close this case.

SO ORDERED this 15th day of January, 2025.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE